IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 7835 OF 2005

Union of India and Others.... ... Petitioners.
Versus
Shri E. M. Desai & Ors.... ... Respondents.

Mr. V.S.Masurkar i/by Mr. S.S.Sarkar
for the Petitioners.
Mr. S. V. Marne for Respondent Nos.1 to 3.

CORAM : R. M. LODHA &
NARESH H. PATIL, JJ.

DATED : 1ST AUGUST, 2006.

P.C. :

Rule, returnable forthwith. Mr. S.V.Marne, advocate waives service for respondent nos.1 to 3. Service on respondent no.4 is dispensed with.

2. The contention of the counsel for the petitioners is that the Assured Career Progression Scheme for Central Government Civilian Employees became operational from the date of issue of the Office Memorandum i.e. 9th August, 1999 and, therefore, the Tribunal erred in directing that the second Financial Upgradation in the scale of Rs.6500-10,500 shall be effective from the date on which the employees completed 24 years of service.

3. Counsel for respondent nos.1 to 3 conceded and in our view fairly, that in the light of the categorical statement made in the Office Memorandum that the scheme

shall be operative from the date of its issuance, the benefit of second Financial Upgradation in the scale of Rs.6500-10,500 shall be effective from 9th August, 1999.

4. In the light of the submissions made by the counsel for the parties, we dispose of the Rule by following order :

(a) Respondent Nos.1 to 3 shall be entitled to the grant of second Financial Upgradation in the scale of Rs.6500-10,500 with effect from 9th August, 1999 subject to screening and in accord with the said scheme as set out in the Office Memorandum dated 9th August, 1999.

(b) The process of screening as per the Office Memorandum dated 9th August, 1999 shall be completed by the petitioners within three months from today and as per the said screening, the benefit of second Financial Upgradation shall be given with effect from 9th August, 1999.

(c) No costs.

Sd/-

(R. M. LODHA, J.)

Sd/-

(NARESH H. PATIL, J.)